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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,132	09/14/2006	William Llewellyn Hunt	37389-404900	9351
27717 7590 12/15/2008 SEYFARTH SHAW LLP 131 S. DEARBORN ST., SUITE 2400 CHICAGO, IL 60603-5803				
EXAMINER DURHAM, NATHANE				
ART UNIT		PAPER NUMBER		
3765				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/554,132

**Applicant(s)**

HUNT ET AL.

**Examiner**

NATHAN E. DURHAM

**Art Unit**

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment and Arguments***

Applicant's amendment and arguments, filed 18 September 2008, have been reviewed and considered. Claims 38-40, 43, 56 and 57 have been amended and claims 1-32 have been previously cancelled. Therefore, claims 33-62 are currently pending. Applicant's arguments and amendment have been fully considered but are not persuasive for the reasons addressed below.

In response to the rejections by SHINOBE-7 (JP 7-204075), the applicant argues that element 35c, as shown in figure 1 of SHINOBE-7, would take some stresses to which the garment hanger is subjected and therefore would be considered a strengthening rib. The examiner respectively disagrees because the elements 35a, 35b and 35c are for the sole purpose of securing element 30 to the hanger and thus are not considered "strengthening ribs". Additionally, the applicant's claim 33 states "at least one arm and suspension portion, to form a hollow, enclosed monocoque structure without internal strengthening ribs in which a majority of stresses to which the garment hanger is subject are carried by an outer skin of the garment hanger". Since element 35c is horizontally disposed from one side of the outer skin to the other side (Fig. 1c), element 35c would actually carry almost zero stresses based on the common laws of physics. Therefore, the outer skin would carry a "majority" of the stresses to which the garment hanger is subjected. In further regards, element 14a of figure 3 is a prior art reference that has a different configuration than that of invention of SHINOBE-7 and

therefore is considered a moot argument. In response to the applicant's argument regarding a "straight bar means", note that the bar means (30) of SHINOBE-7 has a straight horizontal portion and therefore can be considered a "straight bar means". In response to the applicant's amendment and arguments regarding "a vertical projection", note elements 35a-35b of SHINOBE-7. Furthermore, the examiner explained how SHINOBE-7 discloses both alignment means and engagement means in the previous Office Action.

The applicant's argument regarding "strengthening ribs" in relation to SHINOBE-9 (JP 9-108089) is not persuasive for similar reasons as that discussed above. Since elements 2a and 3b are for the sole purpose of attaching portion 2 to portion 3, these elements are not considered strengthening ribs. Additionally, based on the law of physics, the outer skin of the garment hanger of SHINOBE-9 would carry "a majority" of the stresses to which a garment hanger is subjected based on the shape of the outer skin. In response to the applicant's additional arguments with respect to SHINOBE-9, note that the examiner has fully explained how SHINOBE-9 is interpreted to disclose clip means, loop engaging means and engagement means in the previous Office Action. The applicant has failed to disclose adequate arguments (besides a general statement) corresponding to these explanations within the previous Office Action and therefore the applicant's arguments regarding these specific elements are not persuasive. For the reasons discussed above, the rejections as presented in the previous Office Action still stand and this Office Action is considered a Final Rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33, 34, 38, 39, 43, 49, 50, 52-54, 56, 57, 60 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by SHINOBE (JP 7-204075).

Regarding claim 33, SHINOBE (7-204075) discloses a garment hanger (22) having at least one arm (two downwardly sloping arms as shown in figure 1a) connected to a suspension portion (the central region wherein the hook is located and wherein the arms extend in opposing directions therefrom) (Fig. 1a). SHINOBE discloses the garment hanger comprising a first molded portion (24), forming a first proportion of the at least one arm and the suspension portion, mated and joined to at least a second molded portion (26) (Fig. 1a). SHINOBE discloses the second molded portion (26) forming a remaining second proportion of the at least one arm and suspension portion (Fig. 1a). SHINOBE discloses the first molded portion and second molded portion being joined (at 28) to form a hollow enclosed monocoque structure without internal strengthen ribs in which a majority of stresses to which the garment hanger is subject are carried by an outer skin of the garment hanger (Figures 1a, 1b and 2a). Ribs 35a, 35b and 35c are not considered "strengthening ribs" because the ribs are for the purpose of securing element 30 to the hanger. SHINOBE discloses the

first molded portion (24) being an upper portion of the garment hanger and the second molded portion (26) being a lower portion of the garment hanger (Fig. 1a).

Regarding claim 34, SHINOBE discloses the first proportion being substantially half (Fig. 1a).

Regarding claims 38 and 39, SHINOBE discloses extruded straight bar means (30) substantially horizontal in use for supporting a garment thereby (Figures 1a and 1b).

Regarding claim 43, SHINOBE discloses the garment hanger having two opposed arms wherein the bar means passes through apertures in the opposed arms of the garment hanger such that opposed ends of the bar means are each located within the garment hanger (Figures 1a and 1b). Note specifically the attachment of bar means 30 to the hanger as shown in figure 1b. Also note the use of elements 35a, 35b and 35c.

Regarding claim 49, SHINOBE discloses alignment means (surfaces and edges of 24 and 26) that are capable of aiding in alignment of the first portion and second portion (Fig. 2a).

Regarding claims 50 and 52, SHINOBE discloses engagement means (30) that is fully capable of providing the function of engaging suspension means of a further garment hanger for suspending the further garment hanger from the engagement means (Figures 1a and 1b). SHINOBE discloses the engagement means being hook means (note element 34 of 30) (Fig. 1b).

Claims 53, 54, 56, 57, 60 and 62 are also rejected under 35 U.S.C. 102(b) by SHINOBE for the reasons as discussed above in addition to the method steps being inherent in light of the structure.

Claims 33, 37, 45-47, 49, 50, 52, 53, 55, 59, 60 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by SHINOBE (JP 9-108089).

Regarding claim 33, SHINOBE (9-108089) discloses a garment hanger (1) having at least one arm (two arms shown in figure 1) connected to a suspension portion (the central region wherein the hook 6 is located and wherein the arms extend in opposing directions therefrom). SHINOBE discloses the garment hanger comprising a first molded portion (2), forming a first proportion of the at least one arm and the suspension portion, mated and joined to at least a second molded portion (3) (Fig. 1). SHINOBE discloses the second molded portion (3) forming a remaining second proportion of the at least one arm and suspension portion (Fig. 1). SHINOBE discloses the first molded portion and second molded portion being joined to form a hollow enclosed monocoque structure without internal strengthen ribs in which a majority of stresses to which the garment hanger is subject are carried by an outer skin of the garment hanger (Figures 1-3). Elements 2a and 3b are not considered strengthening ribs because they are for the sole purpose of attaching portion 2 to portion 3. SHINOBE discloses the first molded portion (2) being an upper portion of the garment hanger and the second molded portion (3) being a lower portion of the garment hanger (Fig. 1).

Regarding claim 37, SHINOBE discloses the first portion being joined to at least one of the portions of the at least a second portion by cooperating clip means (2a, 3a, 3b) on the first portion and on the second portion (Figures 3 and 4).

Regarding claims 45-47, SHINOBE discloses the garment hanger comprising two opposed arms and loop engaging means (4, 4b) for supporting a garment from a loop thereby (Figures 1, 3 and 4). SHINOBE discloses the loop engaging means comprising a respective loop engaging means in a respective cavity (3a) in each of the opposed arms (Figures 3 and 4). SHINOBE discloses bar means (2a) wherein the loop engaging means comprise a respective loop engaging means in respective cavities (3a) in the bar means proximate respective opposed ends of the bar means (Figures 3 and 4).

Regarding claim 49, SHINOBE discloses alignment means (3b) that are capable of aiding in alignment of the first portion and second portion (Figures 2-4).

Regarding claims 50 and 52, SHINOBE discloses engagement means (4, 4b) that are fully capable of providing the function of engaging suspension means of a further garment hanger for suspending the further garment hanger from the engagement means (Figures 1, 3 and 4). SHINOBE discloses the engagement means being hook means (4b) (Figures 1, 3 and 4).

Claims 53, 55, 59, 60 and 62 are also rejected under 35 U.S.C. 102(b) by SHINOBE for the reasons as discussed above in addition to the method steps being inherent in light of the structure.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35-37 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHINOBE (JP 7-204075) in view of BLANCHARD et al. (U.S. Patent 5,137,191).

SHINOBE discloses a garment hanger having a first portion and a second portion attached together to form a hollow and enclosed structure. However, SHINOBE fails to disclose the two portions being welded together or joined with an adhesive. It is well known in the art that various types of fastening means are functionally equivalent. Adhesive, snap action and welding are a few examples. These fastening means may be used interchangeably depending upon the desired aesthetic effect. BLANCHARD teaches a garment hanger (10) wherein the garment hanger has two portions (15, 16) that are attached together (Fig. 1). BLANCHARD teaches the use of adhesive, sonic welding or snap action fastening means in order to securely hold the two portions together (col. 3, Lines 5-19). Accordingly, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have provided the first and second molded portions of SHINOBE with fastening means such as welding, adhesive or snap action because it is known in the art in order to attach the two portions together in a secure manner.

Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHINOBE (JP 9-108089) in view of BLANCHARD et al. (U.S. Patent 5,137,191).

SHINOBE discloses a garment hanger having a first portion and a second portion attached together to form a hollow and enclosed structure. However, SHINOBE fails to disclose the two portions being welded together or joined with an adhesive. It is well known in the art that various types of fastening means are functionally equivalent. Adhesive, snap action and welding are a few examples. These fastening means may be used interchangeably depending upon the desired aesthetic effect. BLANCHARD teaches a garment hanger (10) wherein the garment hanger has two portions (15, 16) that are attached together (Fig. 1). BLANCHARD teaches the use of adhesive, sonic welding or snap action fastening means in order to securely hold the two portions together (col. 3, Lines 5-19). Accordingly, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have provided the first and second molded portions of SHINOBE with fastening means such as welding, adhesive or snap action because it is known in the art in order to attach the two portions together in a secure manner.

Claims 40-42, 44 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHINOBE (JP 7-204075) in view of MAINETTI (U.S. Publication 2003/0136806).

SHINOBE (JP 7-204075) discloses a garment hanger having a horizontal bar as discussed above. However, SHINOBE fails to disclose the horizontal bar comprising a

non-slip material thereon. MAINETTI teaches a garment hanger (2) in numerous configurations as shown in figures 1 and 11-13 wherein each configuration comprises a horizontal bar (1) for hanging trousers. MAINETTI teaches that it is known in the art that horizontal pant bars are commonly found in many different cross-sectional shapes including those found in figures 2-10. Note that both figures 8 and 9 show a horizontal pant bar wherein an upper face is convex and a lower face is substantially planer (refer to structure of 4). MAINETTI discloses each of the horizontal bar embodiments comprising a coating of non-slip material (5) on at least the upper surface thereof (includes a vertical surface) in order to provide a pant bar with the ability to prevent garments from slipping off. MAINETTI teaches the combination of horizontal bar and non-slip coating in order to provide a structurally strong trouser rod that has an effective non-slip surface and is simple to produce. Accordingly, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have replaced the horizontal bar of SHINOBE with that of MAINETTI in order to provide a structurally strong trouser rod that has an effective non-slip surface and is simple to produce.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over SHINOBE (JP 7-204075) in view of GOULDSON (U.S. Patent 6,435,387).

SHINOBE (JP 7-204075) discloses a garment hanger made from a plastic type material as shown above. However, SHINOBE fails to disclose the material being at least partially translucent or transparent. It is old and known in the art that hanger can be made from plastic wherein the plastic material is white, clear (transparent) and

numerous other colors and shades depending on the applicant's desired effect. GOULDSON teaches a molded plastic hanger wherein the hanger can be constructed of a partially transparent material in order to provide the hanger with a visually appealing look (Col. 11, Lines 11-19) (also refer to US 6,308,872). Accordingly, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have provided the hanger of SHINOBE of a transparent material, in light of the teachings of GOULDSON, in order to provide the hanger with a visually appealing look.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over SHINOBE (JP 9-108089) in view of GOULDSON (U.S. Patent 6,435,387).

SHINOBE (JP 9-108089) discloses a garment hanger made from a plastic type material as shown above. However, SHINOBE fails to disclose the material being at least partially translucent or transparent. It is old and known in the art that hanger can be made from plastic wherein the plastic material is white, clear (transparent) and numerous other colors and shades depending on the applicant's desired effect. GOULDSON teaches a molded plastic hanger wherein the hanger can be constructed of a partially transparent material in order to provide the hanger with a visually appealing look (Col. 11, Lines 11-19) (also refer to US 6,308,872). Accordingly, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have provided the hanger of SHINOBE of a transparent material, in light of the teachings of GOULDSON, in order to provide the hanger with a visually appealing look.

Claims 51 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHINOBE (JP 7-204075) in view of BLANCHARD et al. (U.S. Patent 4,653,678).

SHINOBE (JP 7-204075) discloses a garment hanger having a suspension portion and an engagement means that is fully capable of suspending an additional hanger therefrom. However, SHINOBE fails to disclose the engagement means being located in the suspension portion. BLANCHARD teaches a molded garment hanger (10) having engagement means (20) located on (considered in) the central region of the body (11) wherein shoulder sections extend in opposite directions therefrom (Fig. 1). BLANCHARD teaches the garment hanger comprising the molded engagement means in order to hang multiple matching designed garments together for displaying or transportation purposes in a desirable, attractive and secure manner (Background and Summary). Accordingly, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have provided the suspension portion (central region) of SHINOBE with engagement means, in light of the teachings of BLANCHARD, in order to hang multiple matching designed garments together for displaying or transportation purposes in a desirable, attractive and secure way.

Claims 51 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHINOBE (JP 9-108089) in view of BLANCHARD et al. (U.S. Patent 4,653,678).

SHINOBE (JP 9-108089) discloses a garment hanger having a suspension portion and an engagement means that is fully capable of suspending an additional hanger therefrom. However, SHINOBE fails to disclose the engagement means being

located in the suspension portion. BLANCHARD teaches a molded garment hanger (10) having engagement means (20) located on (considered in) the central region of the body (11) wherein shoulder sections extend in opposite directions therefrom (Fig. 1). BLANCHARD teaches the garment hanger comprising the molded engagement means in order to hang multiple matching designed garments together for displaying or transportation purposes in a desirable, attractive and secure manner (Background and Summary). Accordingly, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have provided the suspension portion (central region) of SHINOBE with engagement means, in light of the teachings of BLANCHARD, in order to hang multiple matching designed garments together for displaying or transportation purposes in a desirable, attractive and secure way.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN E. DURHAM whose telephone number is (571)272-8642. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NED

/Gary L. Welch/  
Supervisory Patent Examiner, Art Unit 3765